

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 GERARD O'CONNOR,
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Plaintiff,

v.

12 DONALD BEHNKE, et al.,
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Defendants.

CASE NO. C13-5036 RBL

ORDER GRANTING MOTION TO
DISMISS

[Dkt. #13]

15 THIS MATTER is before the Court on Defendant Bernards and Defendant Trugreen
16 Landcare LLC's Motion to Dismiss for lack of subject matter jurisdiction [Dkt. #13]. This
17 personal injury case arises out of two automobile accidents which occurred more than a year
18 apart. Plaintiff O'Connor was involved in each. Defendant Behnke was involved in the first
19 accident, in Washington. Defendant Bernards was involved in the second, which occurred in
20 Oregon. Plaintiff's complaint invokes this Court's jurisdiction under 28 U.S.C. §1332 (Diversity
21 of Citizenship). She did not allege federal question jurisdiction, and the subject matter of the
22 lawsuit does not suggest that there is a federal question involved.

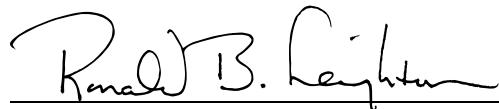
1 Plaintiff is a citizen of Washington, as is Behnke. Bernards is a citizen of Oregon, and
2 Trugreen is a Delaware entity with its headquarters in Maryland. Defendants seek dismissal for
3 lack of subject matter jurisdiction, pointing out that there plainly is not complete diversity.

4 Plaintiff's Response implicitly concedes this point, but asks the Court to deny the Motion
5 because Plaintiff does not have another way to sue all the Defendants in one lawsuit.

6 While that may or may not be true, there is no basis for the Court to "waive" or otherwise
7 alter the requirement of subject matter jurisdiction. The Motion to Dismiss [Dkt. #13] is
8 GRANTED and this matter is DISMISSED for want of subject matter jurisdiction.

9 IT IS SO ORDERED.

10 Dated this 2nd day of April, 2013.

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12 Ronald B. Leighton

13 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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